

REMARKS/ARGUMENTS

The Office Action of March 22, 2005, has been carefully reviewed and this response addresses the Examiner's concerns stated in the Office Action. All rejections are respectfully traversed.

I. STATUS OF THE CLAIMS

As of this amendment, claims 1-17 and 19-25 are currently pending.

Claims 18 and 26-29 have been cancelled without prejudice.

Claims 1-3, 7, 8, 11-13, 17, 20-22, and 25 are rejected as being anticipated by Tentij et al., U.S. Patent Number 6,513,129, issued on January 28, 2003 (Tentij).

Claims 4-6, 9, 10, 14-16, 19, 23, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tentij in view of Fenger et al., U.S. Patent 6,751,659, issued on June 15, 2004 (Fenger).

II. REJECTION OF CLAIMS 1-3, 7-14, 17-21, 23, 24, 28, 29 AND 31-35 UNDER 35 USC § 102(e) AS BEING ANTICIPATED BY TENTIJ

On pages 2-5, paragraphs 3-4, of the Office Action, claims 1-3, 7, 8, 11-13, 17, 20-22, and 25 are rejected under 35 U.S.C. § 102(e) as being unpatentable over Tentij. Please note that independent claim 1 is the base claim for claims 2, 3, 7, and 8, independent claim 11 is the base claim for claims 12, 13, and 17, and independent claim 20 is the base claim for claims 21, 22, and 25. Applicant has amended claims 1, 11, 17, and 20. Support for these amendments can be found in Applicant's specification, paragraph 50 and FIG. 2, among other places. No new matter has been added.

Applicant respectfully points out that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (CAFC, 1987), M.P.E.P. § 2131. As provided by the remarks set forth below, clearly this is not the case with the present rejection of the claims. In summary, Tentij does not anticipate Applicant's invention because:

(1) Tentij does not disclose Applicant's claimed distributed management servers that receive control from a gateway to process fault alarm incidents that are received by the gateway from a network element in accordance with an associated policy object (see Applicant's amended independent claims 1, 11, and 20).

(2) Tentij teaches away from Applicant's distributed management servers as claimed in amended claim 1. In the system of Tentij, the gateway receives, normalizes, and performs basic processing on incoming messages by accessing the MIB to which the gateway is directly connected in order to select and process control objects (col. 5, lines 62-66). Further, Tentij states that as the control objects are being processed in the gateway, the control objects, executing within the gateway, are initiating any advanced processing that might be necessary in the element management processor (col. 6, lines 5-9). The gateway of Tentij, therefore, manages the processing of the incoming message, whereas the gateway of Applicant determines which distributed management server is to manage the processing of the incoming fault alarm incident and then forwards the fault alarm incident and control for processing the fault alarm incident on to that distributed management server.

(3) Tentij discloses a "rule engine" in the gateway that determines the "closest" object (col. 8, lines 16-30). Applicant, on the other hand, claims (amended claim 1) that a gateway can determine which policy object corresponds to which fault alarm incident, and that the gateway can select a distributed management server that is related to the policy object, and that the gateway can route the fault alarm incident to the selected distributed management server, and that the gateway can transfer control of processing the fault alarm incident according to the policy object to the selected distributed management server. Applicant further claims that the policy object defines a fault management behavior in response to the fault alarm incident.

With respect to independent claims 1, 11, and 20, on pages 2-3 of the Office Action, in paragraphs a-d,

(a) The Office Action in paragraph b states that Tentij discloses that the system includes a gateway and a management processor system. The Office Action further states

that the gateway is communicatively connected to a network for receiving alarm incidents from the network (a gateway managing the network element and receiving fault alarm incidents from the network element) (Tentij, col. 1, lines 40-44).

Applicant respectfully points out that Tentij states that the gateway processes the selected control object (col. 1, line 44), which is contrary to Applicant's amended claim 1 in which the gateway is capable of transferring control of processing the fault alarm incident according to the policy object to the selected distributed management server.

(b) The Office Action in paragraph c states that Tentij discloses management processors for handling policies relating to elements, the network, service or business (col. 4, lines 43-47). The Office Action further states that Tentij discloses that the management processor system may be implemented on one or more connected servers such that each processor may be physically distinct from the other (distributed management servers; and policy objects distributed across the distributed management servers so that each policy object resides on and is executable by a respective distributed management server) (col. 5, lines 28-34).

Applicant respectfully points out that Tentij teaches away from Applicant's claimed policy objects distributed across distributed management servers because Tentij states that "cross element manager or cross domain processing would typically not be carried out in the gateways" (col. 5, lines 18-20), and further, that "the management processor system . . . performs basic, as well as advanced processing tasks, for managing or implementing a given function (e.g. fault, . . .) across various management layers" (col. 5, lines 23-28).

Applicant further respectfully points out that the system of Tentij in fact requires a certain hierarchy of processors wherein the element processor forms a gateway-like interface between the gateway and the network, service, and business processors (col. 5, lines 40-44). Applicant neither claims nor requires such a hierarchy (see Applicant's FIG. 2).

(c) The Office Action in paragraph d states that Tentij discloses that the gateway has a rule engine for selecting a control object from a set of control objects based on

information from the alarm incident, and processing the selected control object. The Office Action further states that the management processor system has a processor for processing configuration objects in response to the selected control object for implementing fault management objects defined by at least one user (col. 1, lines 41-47).

Applicant respectfully points out that Tentij states that the gateway processes the selected control object, while the management processor system processes configuration objects in response to selected control objects. As stated previously, Tentij teaches away from Applicant's claimed distributed management servers that receive control from the gateway to process the fault alarm incident according to an associated policy object.

Applicant respectfully points out that Tentij states that a fault processing system is controlled by a gateway. On the contrary, Tentij does not disclose Applicant's claimed gateway that is capable of selecting a distributed management server, routing a fault alarm incident to the selected distributed management server, and transferring control of processing the fault alarm incident to the selected distributed management server, because Tentij does not disclose a transfer of control.

Applicant respectfully points out that Tentij does not anticipate each and every element of Applicant's amended independent claims 1 and 20, nor does Tentij anticipate each and every step of Applicant's amended independent claim 11. Therefore, amended independent claims 1, 11, and 20 (as well as dependent claims 2-10, 12-17, 19, and 21-25) are not anticipated by Tentij and a rejection under 35 U.S.C. § 102(e) is inappropriate. Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 102(e) directed to amended independent claims 1, 11, and 20, and therefore dependent claims 2-10 and 12-17, 19, and 21-25, and find amended independent claims 1, 11, and 20, and therefore dependent claims 2-10 and 12-17, 19, and 21-25, in condition for allowance. Furthermore, a 35 U.S.C. § 103 rejection of these claims would be inappropriate as well. Applicant's claimed invention is not an obvious extension of the use of Tentij to meet Applicant's patentable limitations.

III. REJECTION OF CLAIMS 1-3, 7-14, 17-21, 23, 24, 28, 29 AND 31-35 UNDER
35 USC § 103(a) AS BEING UNPATENTABLE OVER TENTIJ IN VIEW OF
FENGER

On pages 5-8, paragraphs 5-6, of the Office Action, claims 4-6, 9, 10, 14-16, 19, 23, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tentij in view of Fenger. Applicant has amended claims 15 and 19 to clarify claim structure. No new matter has been added.

In order for a rejection under 35 U.S.C. § 103 to be sustained, the Office Action must establish a *prima facie* case of obviousness and to establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference, and the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination must be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The comments in Section IV, distinguishing the present invention over Tentij, also apply here, where appropriate, and will not be repeated. Because Tentij has many deficiencies as presented above, and those deficiencies can't be corrected by Fenger as clearly pointed out below, Applicant asserts that the rejection of dependent claims 4-6, 9, 10, 14-16, 19, 23, and 24 is inappropriate.

To further Applicant's position with respect to the patentability of dependent claims 4-6, 9, 10, 14-16, 19, 23, and 24, Applicant respectfully asserts that Fenger teaches away from Applicant's claimed policy objects that define fault management behavior and that are distributed across distributed management servers so that each policy object resides on and executable by a respective distributed management server (amended claim 11). On the contrary, Fenger states that policy rules are conditions for a user/application system to access a resource, and that not all of the policy rules need to be distributed to each and every component in the network (col. 1, lines 53-54). In the system of Fenger, rules are picked from the policy tree and distributed individually instead of Applicant's claimed defining policy objects (Applicant's claim 5).

On pages 6-8 of the Office Action, with respect to claims 4, 14, and 23, the Office Action correctly states that Tentij doesn't explicitly disclose a policy server

communicatively coupled to the distributed management servers, the policy server storing policy objects and operable to distribute the stored policy objects to the distributed management servers. The Office Action states that Fenger discloses that the primary server (policy server) maintains and manages a set of policy rules in a form of a policy tree (col. 1, lines 60-65).

The shortcomings of Tentij have been discussed and will not be repeated here. With respect to the deficiencies of Fenger, from the previous discussion, it is clear that Fenger does not correct the deficiencies stated in the Office Action with respect to Tentij, i.e. a set of policy rules that are individually distributed does not make obvious Applicant's claimed policy objects distributed across distributed management servers. Because of the shortcomings of Tentij and Fenger, Applicant respectfully points out that the teachings of Tentij and Fenger together do not describe Applicant's claimed policy objects that are stored and distributed from a policy server (Applicant's claim 4).

On pages 6-8 of the Office Action, with respect to claims 5, 9, 15, 19, and 24, the Office Action states that Tentij discloses a configuration editor used for editing the configuration objects within the configuration objects section (col. 7, lines 10-14). Applicant respectfully points out that Tentij teaches an editor, but Tentij does not teach a user interface, as Applicant claims (claim 5).

On pages 6 and 7 of the Office Action, with respect to claims 6, 10 and 16, the Office Action states that Fenger discloses that the target identifies itself, describes its capabilities and roles in the network, such as giving user ID or requesting certain resources, and describes how it is configured to work within the network. The Office Action states that the policy server uses the information about the target as a filter to select the relevant subset of policy information for delivery to the target (col. 3, lines 1-8).

Applicant respectfully points out that nowhere does Fenger disclose policy objects, so that the combination of Fenger with Tentij to meet the deficiencies of Tentij is not appropriate.

Since Tentij and Fenger, either separately or in combination, do not make obvious dependent claims 4-6, 9, 10, 14-16, 19, 23, and 24, a rejection under 35 U.S.C. § 103(a) is inappropriate. Applicant asserts that claims 4-6, 9, 10, 14-16, 19, 23, and 24 are now in

condition for allowance. Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 103(a) with regards to claims 4-6, 9, 10, 14-16, 19, 23, and 24 for the reasons set forth above.

IV. CONCLUSION

In view of the shortcomings of Tentij with respect to Applicant's claimed invention, as set forth above, Applicant respectfully urges that Tentij is not sufficient to render the presently claimed invention anticipated under 35 U.S.C. 102(e). Further, in view of the shortcomings of Tentij and Fenger with respect to Applicant's claimed invention, as set forth above, Applicant respectfully urges that Tentij and Fenger, either singly or in combination, are not sufficient to render the presently claimed invention unpatentable under 35 U.S.C. § 103(a).

Independent claims 1, 11, and 20 are believed to be in condition for allowance for the reasons stated above. All dependent claims depend upon allowable independent claims, and are therefore also believed to be in condition for allowance.

The fee of \$790 for a Request for Continued Examination for a large entity is included herein. The Commissioner for Patents is authorized to charge additional fees or credit overpayment to Deposit Account No. 50-1078.

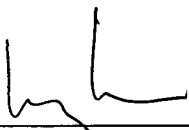
The following information is presented in the event that a call may be deemed desirable by the Examiner:

JERRY COHEN (617) 854-4000

Respectfully submitted,
Daniel R. Bolar, Applicant

Date: June 22, 2005

By:



Jerry Cohen
Reg. No. 20,522
Attorney for Applicant